

Pipeline Committee
Minutes of February 19, 2009

The meeting was called to order at 4 pm.

Attendance. Pipeline Committee: Len Freeman, Patricia McGovern, Rick Daniel, Nancy Dimmick, and Kay Ogradnik. Amy Haible (Selectman). Kristi Eiane (Town Administrator). William Wells (Code Enforcement). Brian Whitney (office of Senator Olmypia Snowe). Representatives from the Maine Department of Environmental Protection: Ted Wolfe and Naji Akladis. Representatives from the Navy Facilities Engineering Command, Mid-Atlantic: Matthew Kurtz (Real Estate Contracting Officer), Caren Hendrickson (Environmental Project Manager), James Spoto (Project Manager) and David Greenfield. Navy contractors: Steve Reisland and Mike Govoni of Fay, Spofford & Thorndike and Bill Wilcox of Wilcox and Barton.

The minutes of August 12, 2008 were reviewed, corrected and approved. Len will send to Linda Strickland.

Old Business. none .

New Business.

The meeting was turned over to the Navy for an update. Matthew Kurtz provided a handout showing progress and a revised schedule. The pipeline right of way has been assessed and characterized. Engineering analysis was conducted in anticipation of removal. While some dates have slipped, the completion of pipe removal remains the Fall of 2010.

Caren Hendrickson reviewed the progress on the environmental assessment. The final document is pretty well completed and undergoing departmental approval – expected in early March. Then the document goes to MEDEP who has 60 days to review. The scheduled date for receiving MEDEP's approval is May 8, 2009. The assessment then becomes the basis of a Finding of No Significant Impact (FONSI) – expected the end of June. In early July the local papers will publish notification of the proposed project and the public will have the opportunity to review the Environmental Assessment and the FONSI and provide comments. Caren believes the documents will answer most questions but is very willing to address any issues raised. Amy stated the necessity of answering all questions from property owners and requests public comments be answered by those who will ultimately be responsible for the work. It was noted that the Environmental Assessment is behind the original schedule because Navy Legal Counsel wanted more time to consider the unique issues of removing asbestos covered pipes and relinquishing easements. This longer legal review is in everyone's best interest to assure the job is done right.

Steve Reisland reviewed what the contractor has accomplished since they began in April 2008.

- Aerial photometry completed

- Wetland areas identified along with wildlife concerns and vernal pools - this has been documented and is part of the wetlands permit application.
- Pre-final design submitted to Navy on February 6, 2009.

Jim Spoto reviewed the remaining schedule. The Pre-final design review (see above) will be completed approx March 6 following Navy and MEDEP review. The final design will be sent to the Acquisition Group by the end of March. To date there have been 16 expressions of interest from potential contractors. The contract is an open source selection. With anticipated release of the request for proposals on April 18 responses are expected May 19; proposal review will take until June 9 with contract award by August 10. The contract period of performance is 365 days from date of award – no work halt during winter. After the contract is award, a detailed work plan is developed by the contractor. The work plan is submitted to the MEDEP who then sends comments/approval to the Navy. Approx September 2009, work to remove the pipes begins. By October 2010 the work completes. Release of easements expected in 2011.

Discussion followed. Naji requested a specific clause placing a time limit on any contractor protests that could hold up the project. Nancy asked if solicitation of contractors is national - answer is yes it is an open competition. One to two weeks after solicitation is released, the Navy will hold a pre-bid site visit, at which time interested contractors will be provided an opportunity to walk the pipeline (as a group) and observe for themselves existing field conditions. Len asked if observers from town are allowed during walkthrough - answer is yes. Amy said that selecting a Maine contractor would be an asset to the project. It was noted that contractors were made aware through the Fed www.fedbizopps.gov/ aka Commerce Business Daily. General contractors be they from Texas or wherever often hire locals.

This project is not considered weather dependent so there will be no winter exclusion. It was stated that work on wetlands is best done during cold months. The Navy requires work be started on high points so that any oil remaining in the pipes drains to the lower points. Work sites will be accessed using private roads and along the right of way.

Concern about nighttime construction led to a request that the contract requires work be done during daylight hours but the contractor could request exceptions with the mutual consent of the Navy and the Town.

The Navy originally anticipated utilizing a firm fixed price contract (i.e. lowest price). After careful consideration, the Navy decided to utilize a Best Value Source Selection, (BVSS). BVSS improves the odds of getting the right contractor for the job, however does take additional time to make the selection. The Source Selection process evaluates; contractors corporate experience, past performance, plan to engage small business, and safety. The Navy is not bound to select the lowest bidder. Naji emphasized promoting small business with work done by contractors/subcontractors from Maine. The whole project could go to small business and is currently under review. Jim made note of the interest in using small business from Maine and will convey to Navy's contracting group.

In July/August a public meeting will be held with the Navy and its contractor. The town requests 3 weeks lead-time to alert landowners and abutters.

After the pipes have been removed and the land regraded, the Navy develops the Environmental Baseline Survey. This report includes what has been removed and what is left behind. The ME DEP reviews the report. The Navy then drafts a Findings of Suitability to Transfer (FOST). ME DEP reviews that document to establish what deed restrictions, if any, must be applied. Once ME DEP approves the FOST the Navy can release easements. Len requested a copy of the draft of FOST be provided to the Town.

Naji stated that if oil is found to have contaminated a property the Navy would deal with it. Any properties that have contamination could be separately addressed in the FOST. The properties that are proven clean then could be set for release of easement.

The Committee requested that the easements be released directly to the property owners without involving the Town in the ownership chain. Matt will get us an answer.

The asbestos covered pipes will be transferred directly out of Harpswell.

Emergency access to properties during the construction phase will be available at all times. The contractor will provide a temporary access when roads are cut. RT 123 will not be cut since the pipes are in sleeves there and can be pulled horizontally from the side of the road. Because of cost and schedule considerations, pipes will not be removed horizontally from under walls or structures. The Navy will send letters advising landowners to remove their property/structures from the easement area - this includes rock walls, sheds, etc.

Once construction is over regrading and seeding will be completed. Wetlands will be treated in the same way - graded and seeded with a wetlands mix.

In summation: the end date for pipeline removal has not changed.

- Final pipeline removal design document = end of March 2009
- Final environmental assessment = early May 2009
- Public notice in local newspaper = early July 2009
- Contractor selection = by mid August 2009
- Construction starts = September 2009
- Removal complete = October 2010
- FOST developed = late 2010
- Release of easements and project completion = 2011

Next meeting. The next meeting of the Committee will be at the call of the co-chairs sometime in May/June. It will be with the Navy and focus on preparation for a public meeting with abutters in August and coordination of a draft letter from the Navy to the abutters expected for distribution in early July.

Meeting adjourned at 5:15 pm.